

SIXTY-THIRD DAY

(Continued)

(Friday, April 30, 1971)

After Recess

The Senate met at 10:30 o'clock a.m., and was called to order by Senator Aikin.

Committee Appointed

Pursuant to the provisions of S. C. R. No. 80, the Presiding Officer announced the appointment by the President of the following Committee to escort the Honorable Wilbur Mills to the Joint Session: Senators Creighton, Kothmann, Beckworth, Patman and Snelson.

Reports of Standing Committees

By unanimous consent, Senator Mauzy submitted the following reports for the Committee on Education:

S. B. No. 801.

S. B. No. 890.

S. B. No. 891.

S. B. No. 585.

H. B. No. 1610.

S. B. No. 903.

H. B. No. 476.

H. B. No. 1323.

C. S. S. B. No. 737 (Read first time)

By unanimous consent, Senator Patman submitted the following report for the Committee on Agriculture and Livestock:

H. B. No. 217.

By unanimous consent, Senator Connally submitted the following report for the Committee on Parks and Wildlife:

S. B. No. 919.

At Ease

The Presiding Officer (Senator Aikin in chair) announced at 10:40 o'clock a.m. the Senate would Stand at Ease Subject to the Call of the Chair.

In Legislative Session

The Presiding Officer (Senator Aikin in Chair) called the Senate to order at 10:42 o'clock a.m.

Message From the House

Hall of the House of Representatives

Austin, Texas,
April 30, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 60, A bill to be entitled "An Act relating to the creation of a juvenile board for Johnson County; setting board membership and compensation; providing for a juvenile officer; and declaring an emergency."

(With amendments.)

S. B. No. 175, A bill to be entitled "An Act to amend Chapter 840, Acts of the 61st Legislature, 1969 (Article 1528f, Vernon's Texas Civil Statutes), the Texas Professional Association Act; and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act relating to the creation of a Juvenile Board for Deaf Smith County; and declaring an emergency."

S. B. No. 272, A bill to be entitled "An Act relating to the boundaries of and the election to create the South Eastland County Hospital District; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 335, A bill to be entitled "An Act relating to conforming certain definitions and administrative provisions of the Certificate of Title Act to the Business and Commerce Code; etc.; and declaring an emergency."

S. B. No. 396, A bill to be entitled "An Act relating to the jurisdiction of the County Court at Law of McLennan County and the County Court of McLennan County and the transfer of causes and exchange of benches between the two courts; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 622, A bill to be entitled "An Act relating to the retirement age of firemen in cities of not less than 350,000 nor more than 650,000 inhabitants; and declaring an emergency."

S. B. No. 635, A bill to be entitled "An Act authorizing the District Attorney of the 22nd Judicial District of Texas to employ certain necessary employees; providing for setting of salaries and funding; providing authority for payment of necessary expenses of District Attorney's office; providing for bonding and necessary qualifications; and providing for an emergency."

S. B. No. 652, A bill to be entitled "An Act amending Chapter 228, Acts of the 56th Legislature, Regular Session, by adding a new section to be identified as Section 2A, providing a method by which certain conservation and reclamation districts lying in more than one city shall be abolished; providing for the distribution of the physical assets, properties and facilities of said districts to said cities; etc., and declaring an emergency.

(With amendments.)

H. B. No. 53, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter of the 112th Judicial District of Texas; providing a saving clause; and declaring an emergency."

H. B. No. 130, "A bill to be entitled "An Act relating to the establishment of branches of Lamar State College of Technology; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act amending Chapter 186, Acts of the 60th Legislature, Regular Session, 1967, relating to the Texas National Guard Armory Board and codified as Title 97A, National Guard Armory Board," by therein amending Article 5931-1 relating to the composition of the National Guard Armory Board; amending Article 0831-5 relating to certain specific powers of the Board; amending Article 5931-9 relating to transfers and sales by the Board; providing for severability; repealing conflicting laws; and declaring an emergency."

H. B. No. 172, A bill to be entitled "An Act permitting two or more

counties to create a medical examiners district and to jointly maintain the office of medical examiner; amending Article 49.25, Code of Criminal Procedure, 1965, as amended, by adding a new Section 1-a; and declaring an emergency."

H. B. No. 238, A bill to be entitled "An Act providing for the compensation of the official court reporter of the 111th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency."

H. B. No. 305, A bill to be entitled "An Act relating to the jurisdiction of the district court for the 5th judicial district in Cass County over eminent domain proceedings; and declaring an emergency."

H. B. No. 335, A bill to be entitled "An Act relating to the treatment as principal or income of corporate distributions to a trust; amending Section 29, Texas Trust Act, as amended (Article 7425b-29, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act authorizing the City of Amarillo Hospital District to contract with West Texas State University for coordination of their B.S. degree and diploma programs in nursing and for cooperative funding of the expense of a program in nursing with the hospital district providing services, funds, or equipment and making its facilities available to West Texas State University for clinical instruction; amending Chapter 136, Acts of the 55th Legislature, Regular Session, 1957, as amended, by adding a new Section 5a; and declaring an emergency."

H. B. No. 398, A bill to be entitled "An Act relating to the exemption of persons employed as firemen from tuition and laboratory fees for courses in fire science offered by state-supported institutions of collegiate rank; and declaring an emergency."

H. B. No. 440, A bill to be entitled "An Act relating to the transfer and sale of surplus and salvage equipment and material by the Board of Control; amending Section 6a, Article 666, Revised Civil Statutes of Texas, 1925, as added by Chapter 546, Acts of the 60th Legislature, Regular Session, 1967; and declaring an emergency."

H. B. No. 447, A bill to be entitled "An Act making the possession of a short barrel shotgun unlawful; providing penalties for violation; amending Chapter 82, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 489b, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 595, A bill to be entitled "An Act providing procedures to be employed by the State Judicial Qualifications Commission in the exercise of its power to censure, as provided in Article V, Section 1-a, Subsection (6), of the Texas Constitution; amending Chapter 516, Acts of the 60th Legislature, Regular Session, 1967 (Article 5966a, Vernon's Texas Civil Statutes), by adding a new Section 6A; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Cypress Forest Public Utility District'; etc.; and declaring an emergency."

H. B. No. 645, A bill to be entitled "An Act relating to abolishing the office of county superintendent of schools in certain counties; and declaring an emergency."

H. B. No. 704, A bill to be entitled "An Act relating to the counties included within the 8th and 76th Judicial Districts; making necessary provisions for terms of court, concurrent jurisdiction, transfer of cases, exchange of benches, filing and docketing of cases, and personnel; providing for continuing validity of writs and process; providing necessary transitional provisions; providing an effective date; providing for severability; repealing laws in conflict; amending Subdivisions 8 and 76, Article 199, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act relating to the jurisdiction of the County Court of Franklin County and the district courts having jurisdiction in Franklin County; repealing Chapter 302, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 1970-331b, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 753, A bill to be entitled "An Act relating to the authority of the State Department of Health to issue certificates of need for the construction or expansion of nursing and convalescence homes and similar institutions where required as a prerequisite for securing loans; and declaring an emergency."

H. B. No. 786, A bill to be entitled "An Act providing for the creation of a Hospital District over all of Commissioners Precinct No. 3 of Randall County, Texas; making provision for such District to provide for the purchase, construction, acquisition, repair or renovation of buildings and improvements and equipping the same for hospital district purposes, including the power and authority to issue bonds for such purpose or purposes, there being no hospital owned in whole or in part by any city, town or county situated wholly or partly within the area of the District which the District might acquire upon assumption of indebtedness incurred by any such city, town or county for hospital purposes; prescribing a procedure for an election on the creation of such District and the levy of a tax for its maintenance, support and payment of indebtedness; providing the powers of the District and its governing body and its procedures in the governing of said District; enacting other provisions incident and related to the subject and purpose; and declaring an emergency."

H. B. No. 789, A bill to be entitled "An Act relating to the payment of certain fees by parties in family law matters in Orange County and the performance of certain duties by the Orange County Juvenile Board and the Juvenile Probation Department; amending Sections 8 through 11, Chapter 325, Acts of the 61st Legislature, Regular Session, 1969 (Article 5139ZZ, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 796, A bill to be entitled "An Act relating to the standard provisions required in policies of group life insurance; amending Section 2, Article 3.50, Texas Insurance Code, as amended; and declaring an emergency."

H. B. No. 823, A bill to be entitled "An Act to amend Chapter Three of the Insurance Code (Acts 1951, 52nd

Legislature, Chapter 491, as amended) by amending subsection 10 of Section A of Part I of Article 3.39 to provide that a domestic life insurance company may invest any of its funds and accumulations in first mortgage bonds or first lien notes of any solvent corporation which has not been in existence for five (5) consecutive years but whose bonds or notes are secured by leases or other contracts executed by a corporation which has not defaulted in the payment of any debt within five (5) years next preceding such investment; or in the notes or debentures of any such corporation with a net worth of not less than Five Million Dollars (\$5,000,000) where no prior lien exists in excess of 10 percent of the net worth of such corporation, and, under the provisions of the indenture providing for the issuance of such notes or debentures, no such prior lien can be created in excess of 10% of the net worth of such corporation, against the real or personal property of such corporation at the time the notes or debentures were issued, or in the notes or debentures of any solvent corporation which has not been in existence for five (5) consecutive years where no prior lien exists, and under the provisions of the indenture providing for the issuance of such notes or debentures, no such prior lien can be created, against the real or personal property of such corporation at the time the notes or debentures were issued, but whose notes or debentures are secured by leases or other contracts executed by a corporation which has not defaulted in the payment of any debt within five (5) years next preceding such investment and has a net worth of at least Five Million Dollars (\$5,000,000), or whose notes or debentures are fully guaranteed by any such corporation; containing savings and partial invalidity clauses; and declaring an emergency."

H. B. No. 833, A bill to be entitled "An Act relating to the salaries of assistants or investigators and stenographers in the 121st Judicial District; amending Section 8, Chapter 190, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 326k-41a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 854, A bill to be entitled "An Act to amend Chapter 361, Acts

of the 58th Legislature, Regular Session, 1963 as amended by Chapter 40, Acts of the 59th Legislature, Regular Session, 1965 by adding a new subsection to such Incentive Aid Law to authorize and make eligible, subject to approval, a county-line independent school district hereafter resulting from the consolidation of two or more contiguous county-line accredited 12-grade independent school districts, for incentive aid payments although the resulting district contains fewer than 750 children in average daily attendance; and declaring an emergency."

H. B. No. 889, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Village Public Utility District'; etc.; and declaring an emergency."

H. B. No. 891, A bill to be entitled "An Act relating to additional classes of counties that are to use jury wheels in selecting jurors; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 923, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as Pine Forest Municipal Utility District; etc., and declaring an emergency."

H. B. No. 931, A bill to be entitled "An Act relating to public financial disclosure and audits of records of certain units of local government and certain entities licensed, regulated, or franchised by, or supported wholly or partly by the funds of, certain units of local government; and declaring an emergency."

H. B. No. 976, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Booker Public Utility District'; etc.; and declaring an emergency."

H. B. No. 999, A bill to be entitled "An Act relating to the compensation and expenses of the district attorney of the 24th Judicial District, the compensation of his stenographer, and the appointment and compensation of an investigator or assistant district attorney; amending Chapter 310, Acts

of the 57th Legislature, Regular Session, 1961 (Article 326k-45, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1003, A bill to be entitled "An Act fixing the salary of the District Attorney of the 105th Judicial District of Texas; providing for supplemental compensation to be paid by the several counties composing the 105th Judicial District; providing the method of supplementation; providing for severability; repealing conflicting laws; and declaring an emergency."

H. B. No. 1086, A bill to be entitled "An Act repealing Chapter 78, Acts of the 47th Legislature, Regular Session, 1941; and declaring an emergency."

H. B. No. 1108, A bill to be entitled "An Act amending Chapter 263, Acts of the 61st Legislature of the State of Texas, Regular Session, 1969 (Article 8280-423, Vernon's Texas Civil Statutes) to provide that land may be annexed to Harris County Utility District No. 2 in the manner provided by Article 7930-2, Section 2, V. T. C. S.; providing a severability clause; and declaring an emergency."

H. B. No. 1140, A bill to be entitled "An Act relating to the creation, establishment, maintenance, operation, powers, and duties of a conservation and reclamation district to be known as the 'Flying "L" Public Utility District' created under Article 16, Section 59 of the Texas Constitution; determining and finding that the requirements of Article 16, Section 59 (d), of the Texas Constitution as to notice of intention to introduce this Act have been fulfilled and accomplished; and declaring an emergency."

H. B. No. 1190, A bill to be entitled "An Act amending Article 655, Revised Civil Statutes of Texas, 1925, as amended, to eliminate the requirement for a certification on the invoice by the contractor or seller and requiring that such invoice be tendered in accordance with Board of Control rules and regulations; and declaring an emergency."

H. B. No. 1198, A bill to be entitled "An Act relating to reports on investments and income of the Permanent University Fund; and declaring an emergency."

H. B. No. 1201, A bill to be entitled "An Act constituting a local law for

the maintenance of the public roads and highways in Bowie County by authorizing the county to issue certificates of indebtedness for the purpose of acquiring right-of-way for the designated state highways, including farm-to-market highways, or federal highways when the acquisition of such right of way is approved by the State Highway Commission; requiring the levy of a tax to pay such certificates and the interest thereon; requiring such certificates to be approved by the Attorney General and registered by the Comptroller of Public Accounts and prescribing the effect thereof; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 1205, A bill to be entitled "An Act relating to the sale of certain fish in Edwards County; amending Section 1, Chapter 61, Acts of the 43rd Legislature, Special Laws, 1933 (Article 978L, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 1286, A bill to be entitled "An Act authorizing the transfer of certain land from the Texas Department of Mental Health and Mental Retardation to the Texas National Guard Armory Board; providing for the possibility of reversion; and declaring an emergency."

H. B. No. 1297, A bill to be entitled "An Act amending Section 1, Chapter 589, Acts of the 61st Legislature, Regular Session, 1969, and Sections 1 and 2, Chapter 589, Acts of the 59th Legislature, Regular Session, 1965, to extend the deer seasons in Wood and Upshur counties by 15 days; amending Section 1, Chapter 304, Acts of the 45th Legislature, Regular Session, 1937, as amended, to raise the bag limit on quail in Wood County and to prohibit hunting quail in Wood County on Sunday; and declaring an emergency."

H. B. No. 1379, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59 of the Constitution of Texas, to be known as McAllen Foreign-Trade Zone Utility District of Hidalgo County; prescribing certain powers, privileges and functions of the District and duties of its Board of Directors; prescribing procedures and conditions for the exercise of such powers, privileges and

functions; providing for the ad valorem tax plan to be used; providing for procedures for the authorization and issuance of bonds and the making of provisions for their payment and security; making certain findings in connection with the creation of the District; providing a savings clause; and declaring an emergency."

H. B. No. 1380, A bill to be entitled "An Act changing the name of the Cotton Research Committee to the Natural Fibers and Food Protein Committee; amending Chapter 474, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 165-4a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1418, A bill to be entitled "An Act relating to the authority of the Texas Water Rights Commission to issue emergency permits for the diversion and use of water; amending the Revised Civil Statutes of Texas, 1925, as amended, to add Article 7467d; and declaring an emergency."

H. B. No. 1436, A bill to be entitled "An Act providing for the establishment of the San Antonio State Center for Human Development; amending Section 1, Chapter 67, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 5547-202, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1628, A bill to be entitled "An Act relating to making the provisions of the Uniform Wildlife Regulatory Act applicable to all wildlife resources in Live Oak County; amending Subdivision (7.), Subsection c, Section 3, Uniform Wildlife Regulatory Act, as amended (Article 978j-1, Vernon's Texas Penal Code); and declaring an emergency."

H. B. No. 1641, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Bellfort Public Utility District'; etc.; and declaring an emergency."

H. B. No. 1658, A bill to be entitled "An Act relating to deer season in a portion of Cherokee County; amending Section 1, Chapter 409, Acts of the 60th Legislature, Regular Session 1967, as amended by Chapter 629, Acts of the 61st Legislature,

Regular Session, 1969; and declaring an emergency."

H. B. No. 1704, A bill to be entitled "An Act relating to the issuance of interest-bearing time warrants by certain independent school districts; and declaring an emergency."

H. B. No. 1705, A bill to be entitled "An Act relating to the appointment of an assistant district attorney for the 35th Judicial District; and declaring an emergency."

H. B. No. 826, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Article XVI, Section 59, Constitution of Texas, to be known as Memorial Point Utility District of Polk County, Texas; etc.; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills Signed

The Presiding officer announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 75.

S. B. No. 254.

S. B. No. 695.

S. B. No. 363.

H. B. No. 590.

S. B. No. 622.

Joint Session

(To hear address of the Honorable Wilbur Mills, Congressman from Arkansas)

The Presiding Officer (Senator Aikin in Chair) announced the time had arrived to hear an address by The Honorable Wilbur Mills, pursuant to the provisions of S. C. R. No. 80.

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

On invitation of the Speaker of the House, the President occupied a seat on the Speaker's Rostrum.

The Honorable Wilbur Mills and Governor Preston Smith were escorted to the Speaker's Rostrum by Senators Creighton, Kothmann, Beckworth, Patman and Snelson, on the part of the Senate, and Representatives Slider, Garcia, Presnal, Moore of Hill, Solomon, Cobb, Hull, McKissick, Ward, and Ogg, on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Gus Mutscher, Speaker of the House of Representatives, called the House to order and announced a quorum of the House present and stated the purpose of the Joint Session.

The Speaker of the House presented the President of the Senate, who introduced The Honorable Wilbur Mills to the Joint Session.

Congressman Mills then addressed the Joint Session.

The Speaker of the House then presented the Honorable Preston Smith, who addressed the Joint Session.

The President then stated that the purpose of the Joint Session having been concluded, the Senate would retire to its Chamber.

In Legislative Session

The Presiding Officer (Senator Aikin in Chair) called the Senate to order as In Legislative Session at 11:50 o'clock a.m.

Welcome Resolutions

S. R. No. 1120—By Senator Schwartz: Extending welcome to Richard Hayes.

S. R. No. 1121—By Senator Watson: Extending welcome to Civics Class of Marlin High School.

S. R. No. 1122—By Senator Watson: Extending welcome to Bill Laughlin.

Adjournment

On motion of Senator Creighton the Senate at 11:53 o'clock a.m. adjourned until 10:30 o'clock a.m. Monday, May 3, 1971.

APPENDIX

Sent to Governor

April 30, 1971

S. B. No. 75.

S. B. No. 254.

S. B. No. 695.

S. B. No. 363.

S. B. No. 622.

SIXTY-FOURTH DAY

(Monday, May 3, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Word.

The roll was called and the following Senators were present:

Bates	Jordan
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word

Absent—Excused

Aikin	Kennard
Hall	Schwartz
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Snelson and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 30, 1971, was dispensed with, and the Journal was approved.

Leaves of Absence

Senator Kennard was granted leave of absence for today on account of important business on motion of Senator Mauzy.